

MARYLAND NATIONAL CAPITAL  
HOMECARE ASSOCIATION

2005 JUN -9 PM 3:38  
June 6, 2005

Mr. Robert E. Nicolay  
Chairman  
Maryland Health Care Commission  
4160 Patterson Avenue  
Baltimore, Maryland 21215

Dear Chairman Nicolay:

On behalf of the Maryland National Capital Homecare Association (MNCHA), I am writing to express the Association's position on the current home health Certificate of Need (CoN) in the State of Maryland.

In particular, our membership, that represents over 70 home care providers and affiliates throughout the State of Maryland and the District of Columbia, would like to ensure that the current CoN is enforced, that there is a strong survey process, and that any additional regulations are fair and equitable to home health providers.

Our position has been formalized only after polling our membership and knowing that our members are equally divided on whether to support or oppose a CoN requirement within the State of Maryland. As a result, the Association must remain neutral on this particular point.

The MNCHA members, however, strongly agree that if the CoN is maintained, it is very important that the CoN be enforced by state officials and that consistent surveys are undertaken to ensure compliance with the CoN regulations. Another key aspect is in assuring that any new CoN regulations are fair and reasonable. In October 2003, there were new regulations that impacted CoN providers who had been grandfathered in to the system. The regulations also stated that acquired agencies could only provide services in counties listed by the former provider during the fiscal year 2001. These types of regulatory modifications slowly erode the integrity of the originally authorized CoN.

On the issue of enforcement, our members report that agencies are entering counties where they currently do not have jurisdiction to provide services. It is therefore critically important that there be enforcement of the CoN. That enforcement should include new agencies entering into the market as well as current agencies with their designated areas.

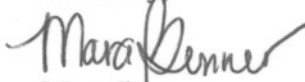
And finally, MNCHA members strongly believe that agencies should be surveyed on a consistent basis to verify compliance with the CoN. The surveys should re-enforce that agencies are properly using their CoN.

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MNCHAs members are especially interested in assuring stability of providers within the market. This permits patients, physicians, payers and state officials to know the agencies and know their services. Along with stability, it is important that the quality of care be exceptional for the health care services being delivered in the patient's home. We therefore hope that as the Task Force on CoN considers modifications or changes to the CoN you will keep these points in mind.

MNCHA members look forward to working with the Task Force on CoN. If you should have any questions, please feel free to contact me at (202) 549-9450. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mara Benner", with a stylized flourish at the end.

Mara Benner  
President